

## **II. REMARKS/ARGUMENTS**

### **Request For Continued Examination**

Applicants hereby submit a Request for Continued Examination ("RCE"). Reconsideration of the application as amended is requested. The requisite fee is included with this submittal.

### **Petition for Extension of Time**

Applicants hereby petition for a one-month extension of the time for reply, in accordance with 37 C.F.R. § 1.136(a). The requisite fee is included with this submittal.

### **Request for Telephonic Interview**

In order to more expeditiously advance the prosecution of the application, applicants hereby request a telephonic interview between applicant's representatives and the examiner prior to taking action on this response. Attached with this response is a completed interview request.

### **Specification**

The specification has been amended to cancel the amendments made in applicants' submittal of August 2, 2007.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,742,841 to Soditch et al. ("Soditch"). In response, applicants submit herewith a declaration under 37 C.F.R. § 1.131 antedating the Soditch reference filed May 23, 2003. Support for applicants' claimed invention may be found in Exhibit A, attached thereto. Supporting evidence in Exhibit A of the declaration for the elements of Claim 1, as amended, is summarized in the table below.

Element	Ref. No. in Exhibit A
A foldable seat.	①
A seat cushion comprising a forward portion, a rearward portion, a top portion and a bottom portion, the seat cushion being pivotable about the rearward portion.	②
A forward support leg pivotably coupled to the bottom portion of the seat cushion proximate the forward portion.	③
A seatback comprising an upper portion and a lower portion, wherein the lower portion of the seatback is proximate the rearward portion of the seat cushion.	④
The forward support leg automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upwardly, and automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly.	⑤

Applicants submit that Claim 1 is now in form for allowance. Claim 2 depends from Claim 1 and adds limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claim 2 is also now allowable.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 3, 4 and 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Soditch in view of U.S. Pat. No. 5,826,942 to Sutton et al. (“Sutton”). Applicants submit that amended Claim 1, from which Claims 3, 4 and 10-15 ultimately depend, is patentable over the cited art for the reasons given above (see “35 U.S.C. § 102 Rejections”). Since Claims 3, 4 and 10-15 add limitations to those of Claim 1 that further distinguish the claimed invention from the prior art, applicants submit that Claims 3, 4 and 10-15 are patentably distinct from the combination of Soditch and Sutton.

Claims 6-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Soditch in view of U.S. Pat. No. 5,707,103 to Balk (“Balk”). Applicants submit that amended Claim 1, from which Claims 6-9 ultimately depend, is patentable over the cited art for the reasons given above (see “35 U.S.C. § 102 Rejections”). Since Claims 6-9 add limitations to those of Claim 1 that further distinguish the claimed invention from the

prior art, applicants submit that Claims 6-9 are patentably distinct from the combination of Soditch and Balk.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Soditch in view of Sutton and Balk. Applicants submit that the declaration under 37 C.F.R. § 1.131 filed herewith antedates the Soditch reference. Furthermore, neither Sutton nor Balk, separately nor in combination, render amended Claim 20 obvious. Accordingly, applicants submit that Claim 20 is now in form for allowance.

### III. CONCLUSION

For the reasons discussed above, applicants submit that Claims 1-4, 6-15 and 20 of the pending application, as amended herein, are patentable over all the prior art of record. It is believed that the application is now in form for allowance and favorable action by the examiner is requested. The examiner is requested to contact applicants' representative at the telephone number below if any other issues remain.

Respectfully Submitted,

/Michael A. Forhan/

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